

Fairfax Circuit Court

SERVING THE RESIDENTS OF FAIRFAX COUNTY AND THE CITY OF FAIRFAX

Concealed Handgun Permit Application Process

Any person twenty-one years of age or older may apply in writing to the clerk of the circuit court in which he or she resides, or if he or she is a member of the United States Armed Forces, the county or city in which he or she is domiciled, for a five-year permit to carry a concealed handgun.

Code Reference: §18.2-308

Fairfax County Resident Applications Available:

Fairfax Circuit Court Clerk's Office
Civil Intake Division (3rd floor)
4110 Chain Bridge Road
Fairfax, Virginia 22030

OR

Virginia State Police Website at:

http://www.vsp.state.va.us/Forms/SP-248_Revised_7-1-2004.pdf

Non-Resident of the Commonwealth of Virginia Applications Available:

(Pursuant to Virginia §18.2-308 (P1))

Virginia State Police Website at:

http://www.vsp.state.va.us/cjis_nrcwp.htm

Recorded Information Available:

(703) 691-7320, press 3, 5

Fairfax Circuit Court Procedure for Filing a Concealed Handgun Permit Application:

Please read the following instructions carefully. Compliance with the procedures is required for your application to be properly filed with the Circuit Court Clerk's Office.

In accordance with §18.2-308 (D), the court shall issue the permit within forty-five (45) days of receipt of the completed application unless it is determined that the applicant is disqualified or the application is incomplete.

First Time Application:

In addition to the completed application, you must provide the clerk with:

- Two additional copies of the original completed application.
- A self-addressed stamped envelope.
- Three copies of your certificate of competence with a handgun (see p.5).
- Three copies of documentation to verify residence in Fairfax County (see p. 5 and p.8).

Renewal Application:

Application for permit renewal should be submitted **at least 45 days prior to expiration of your current permit**. In addition to the completed application, you must provide the clerk with:

- Two additional copies of the completed application.
- A self-addressed stamped envelope.
- Three copies of the previous Concealed Handgun Permit issued by this court or another Virginia circuit court.
- Three copies of documentation to verify residence in Fairfax County (see p.5 and p.8).

Filing Fee:

- **\$50.00** (including \$10.00 Clerk's fee; \$5.00 State Police fee; and \$35.00 Local Law Enforcement fee = \$50.00).
- Payable by cash, money order, Visa or Master Card.
- Certified check payable to "Clerk, Fairfax Circuit Court."
- Personal Checks are not accepted.

File the Completed Application:

- Fairfax Circuit Court Clerk's Office at 4110 Chain Bridge Road, third (3rd) floor, Civil Intake Counter, Monday – Fridays, 8 a.m. to 4 p.m.

After the Concealed Handgun Application is Filed:**Background Check:**

After an application is filed at the Fairfax Circuit Court Clerk's office, the Fairfax County Police Department will conduct a background check on each applicant. As part of the background check, an applicant may be asked to undergo a voluntary interview with the police if the background check indicates a potential reason to disqualify the applicant.

Granting or Denying the Application:

After the Fairfax County Police department has completed its investigation, the application and background information is sent to a circuit court judge. The judge will enter an order in court either granting or denying the Concealed Handgun Permit application.

Status of Application:

- Do **NOT** call the clerk's office for information about the status of an application. The information is not available.
- If you have not received mailed notification about your permit forty-five (45) days from the date you submitted the application to the Circuit Court, you may call Civil Case Information at (703) 691-7320, press 3,1, 0.

Receiving the Concealed Handgun Permit:

- Applicant will receive notice by mail that a Concealed Handgun Permit has been granted.
- The permit must be picked up in person by the applicant. The applicant must present valid photo ID as proof of identification.
- Valid proof of identification includes driver's license, passport, military ID.

Receiving the Renewed Concealed Handgun Permit: *Must surrender the original permit at the time that the new permit is picked up.*

- Applicant must surrender the original permit at the time the new permit is picked up.
- Applicant will receive notice by mail that a Concealed Handgun Permit has been issued.
- The permit must be picked up in person by the applicant.
- The applicant must present valid photo ID as proof of identification.
- Valid proof includes driver's license, passport, military ID.

Picking up the Concealed Handgun Permit

- Pick up the permit at the Fairfax Circuit Court, 4110 Chain Bridge Road, third (3rd) floor, Court Services section, Monday – Friday, 8 a.m. – 4:00 p.m.
- The clerk will verify information from valid identification with information on the Concealed Handgun Permit.
- The clerk will make two (2) photocopies of the Concealed Handgun Permit: one copy for the case file; the other copy for the Virginia State Police for further processing.
- The State Police will enter the permit holder's name and description in the Virginia Criminal Information Network so that the permit's existence and current status will be made known to law-enforcement personnel accessing the Network for investigative purposes.

Denial of Application

If your application is denied, you will receive instructions from the court on how to request an *Ore Tenus* hearing or motion to reconsider the denial of the application.

Requesting an *Ore Tenus* Hearing

- Request an *Ore Tenus* hearing in writing within 21 days of the entry of the final order. (§18.2-308(I)).
- If the application is still denied after an *Ore Tenus* hearing, you may appeal the decision to the Court of Appeals as set forth in the Virginia Code §18.2-308 (L).

Code of Virginia §18.2-308(I)

Upon denial of the application, the clerk shall provide the person with notice in writing, of the right to an *Ore Tenus* hearing. Upon request of the applicant made within twenty-one days of the entry of the final order, the court shall place the matter

on the docket for an *Ore Tenus* hearing. The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The final order of the court shall include the court's finding of fact and conclusions of law.

Code of Virginia §18.2-308(L)

Any person denied a permit to carry a concealed handgun under the provisions of this section may present a petition for review to the Court of Appeals. The petition for review shall be filed within sixty days of the expiration of the time for requesting an *Ore Tenus* hearing pursuant to subsection I, or if an *Ore Tenus* hearing is requested, within sixty days of the entry of the final order of the circuit court following the hearing. The petition shall be accompanied by a copy of the original papers filed in the circuit court including a copy of the order of the circuit court denying the permit. Subject to the provisions of §17.1-410 B, the decision of the Court of Appeals or Judge shall be final. Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be paid by the Commonwealth.

Most Common Reason for Denial of a Concealed Handgun Permit

The most common reason for denial of a Concealed Weapon Handgun Permit, other than a criminal offense, is the failure of applicants to completely fill out question number two (regarding residency) on the application.

- If you have lived in your current home less than five (5) years, you must provide a separate listing of **all** addresses where you have lived within the last five years.
- The Police Department must be able to verify your residence.
- Provide the information and documentation as listed in the "Notice to Concealed Handgun Applicant" (see p. 8).

Competence with a Handgun

As part of the police background check it will be required that the applicant demonstrate competence with a handgun pursuant to §18.2-308 (G) of the 1950 code of Virginia, as amended.

A **photocopy of a certificate of completion** of any of the courses or classes; an **affidavit** from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a **copy of any document which shows completion** of the course or class or **evidences of**

participation in firearms competition shall constitute evidence of qualification under this subsection.

The applicant must demonstrate such competence in the following ways:

- Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;
- Completing any National Rifle Association firearms safety or training course;
- Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;
- Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
- Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;
- Obtaining or previously having held a license to carry a firearm in this Commonwealth or a locality thereof, unless such license has been revoked for cause;
- Completing any firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor;
- Completing any governmental policy agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
- Completing any other firearms training which the court deems adequate.

Fees Waived for Concealed Handgun Permit

If you are filing a Concealed Handgun Permit application and are requesting that fees be waived in accordance with §18.2-308(K) of the 1950 code of Virginia as amended, you will need to include with your application documentation to show proof of retirement or service in accordance with this code section.

No fee shall be charged for issuance of such permit to a person **who has retired from service:**

- (i) as a magistrate in the Commonwealth of Virginia;
- (ii) as a special agent with the Alcoholic Beverage Control Board or as a law enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the Commonwealth, **after completing 15 years of service or after reaching age 55;**
- (iii) as a law-enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals Service or Naval Criminal Investigative Service, **after completing 15 years of service or after reaching age 55;**
- (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia or any of the territories of the United States, **after completing 15 years of service; or**
- (v) as a law-enforcement officer **with any combination of the agencies listed in clauses (ii) – (iv) after completing fifteen years of service.**

NOTICE CONCEALED HANDGUN APPLICANTS

TO: ALL APPLICANTS
FROM: FAIRFAX COUNTY POLICE DEPARTMENT
CONCEALED WEAPONS UNIT

RE: VERIFICATION OF RESIDENCE IN FAIRFAX
COUNTY

As part of the Concealed Handgun Application investigation process the Fairfax County Police Department **must verify your residence in the County of Fairfax** . By attaching one of the appropriate documents listed below to your completed application, this will expedite the investigation process.

If the address cannot be verified and you fail to submit one of the stated documents, this may significantly delay the processing of your application or result in its denial.

ALL APPLICANTS MUST ATTACH ONE OF THE FOLLOWING
DOCUMENTS TO YOUR COMPLETED APPLICATION:

- A copy of a current utility bill, cable or telephone bill in the applicant's name.
- A copy of a current personal property tax receipt. (Note: County sticker receipt is not acceptable.)
- A copy of a voter registration card.
- A copy of a current lease agreement.
- **For applicants who are renting or leasing:** A notarized statement from the owner of the residence where the applicant lives stating that the applicant lives at the address that is stated on the application and how long the applicant has lived at said address.

If the applicant fails to attach one (1) of the above documents and the address is unable to be verified, the application is deemed "incomplete."

For additional information, please contact the Concealed Weapons Unit of the Fairfax County Police Department at 703-246-7501